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Attorneys for Plaintiffs,
MYGUIDE HOLDING GMBH
and MYGUIDEGPS LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MYGUIDE HOLDING GMBH
and MYGUIDEGPS LTD.,

Plaintiffs,

v.

RANDOLPH KEMPS, an individual,
ARES DIGITAL, INC., and MYGUIDE
(USA) INC.

Defendants.

Case No. CV 08-0057 JF

**DECLARATION OF MARK
CONGER PURSUANT TO LOCAL
RULE 16-9(a)**

1	RANDOLPH KEMPS, an individual,)
2	ARES DIGITAL, INC., and MYGUIDE)
	(USA) INC.)
3	Counterclaimants,)
4	v.)
5	MYGUIDE HOLDING GMBH)
6	and MYGUIDEGPS LTD.,)
7	Counterdefendants.)

8

9 I, Mark Conger, hereby declare under penalty of perjury as follows:

10 1. I am a partner at the law firm of Kilpatrick Stockton, LLP and counsel of record

11 for Plaintiffs MyGuide Holding GmbH and MyGuideGPS Ltd.. I submit this declaration

12 pursuant to Local Rule 16-9(a). The information in this Declaration is based on my personal

13 knowledge.

14 2. On Friday, April 18, 2008, I submitted to David Morales, counsel for the

15 Defendants/Counterclaimants, a proposed joint case management statement for his review and

16 comment.

17 3. I attempted to contact Mr. Morales by telephone on Wednesday, April 23, 2008,

18 for the purpose of obtaining Mr. Morales' input on the document.

19 4. I contacted Mr. Morales by electronic mail on Thursday, April 24 and on Friday,

20 April 25, 2008, again for the purpose of obtaining Mr. Morales' input on the document.

21 5. I received substantial revisions from Mr. Morales on Friday, April 25, 2008, at

22 4:17 p.m. EDT.

23 6. After reviewing Mr. Morales' revisions and after subsequent discussions with Mr.

24 Morales, it was apparent that, given the amount of time remaining before the filing deadline, the

25 parties would not be able to reach a consensus necessary to submit a joint case management

26 report.

1 DATED: April 25, 2008.

2 
3 Mark Conger